Office-Supreme Court, U.S.
FILED
OCT 20 1966
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 558

REGINALD A. HAWKINS,

Petitioner,

—v.—

STATE OF NORTH CAROLINA,

Respondent.

PETITIONER'S REPLY TO RESPONDENT'S OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

JACK GREENBERG
MELVYN ZARR
10 Columbus Circle
New York, New York 10019

ANTHONY G. AMSTERDAM
3400 Chestnut Street
Philadelphia, Pennsylvania 19104

J. LEVONNE CHAMBERS
405½ East Trade Street
Charlotte, North Carolina

THOMAS WYCHE
2500 Beatties Ford Road
Charlotte, North Carolina

CHARLES V. BELL
112 South Irwin Avenue
Charlotte, North Carolina

Attorneys for Petitioner

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 558

REGINALD A. HAWKINS,

Petitioner,

—v.—

STATE OF NORTH CAROLINA,

Respondent.

PETITIONER'S REPLY TO RESPONDENT'S OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

In its brief in opposition to certiorari, respondent recites at length its version of the facts of this case (respondent's brief, pp. 2-7). Petitioner concedes that he has no right to removal of his prosecution to federal court pursuant to 28 U. S. C. §1443(1) if the facts as stated therein are true. However, respondent's version of the facts finds no support in the record. Central to this case is the fact that petitioner has never been afforded an opportunity to prove in a federal evidentiary hearing the truth of the allegations in his petition for removal. Respondent's assertions to the contrary (respondent's brief, pp. 1, 5) are flatly untrue. See opinion of the district court (appendix to certiorari petition, p. 10a; appendix to respondent's brief, p. A-3: "[T]he

question of jurisdiction was set down for *argument* and heard on May 12, 1965" (emphasis added)).

Respectfully submitted,

JACK GREENBERG
MELVYN ZARR
10 Columbus Circle
New York, New York 10019

ANTHONY G. AMSTERDAM
3400 Chestnut Street
Philadelphia, Pennsylvania 19104

J. LEVONNE CHAMBERS
405½ East Trade Street
Charlotte, North Carolina

THOMAS WYCHE
2500 Beatties Ford Road
Charlotte, North Carolina

CHARLES V. BELL
112 South Irwin Avenue
Charlotte, North Carolina

Attorneys for Petitioner